



3743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BERG  
Serial No.: 09/851,803  
Filed: MAY 9, 2001  
Confirmation No.: 3572  
Due Date: JULY 4, 2003  
Title: SIMULATED ELECTRIC GLOWING EMBERS SYSTEM FOR FIREPLACES

Examiner: J. COCKS  
Group Art Unit: 3743  
Docket: 12929.1061US01

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 7, 2003.

By: 

Name: Linda M. Beckman

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Response
- ☒ Return postcard

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Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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By: 

Name: Matthew A. Dosctoch

Reg. No.: 48,957

MAD:lmb





09/851,803

17/10  
PATENT  
C/M

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By:

*Linda M. Beckman*  
Linda M. Beckman

RESPONSE

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
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Alexandria, VA 22313-1450

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Dear Sir:

In response to the Office Action mailed April 4, 2003, please consider the following remarks.

REMARKS

Claims 1-27 are pending in this application. The Examiner rejected claims 1-27 under 35 U.S.C. § 103(a). Applicant respectfully traverses these rejections. For the reasons set forth below, Applicant believes the claims are in condition for allowance and notice to that effect is earnestly solicited.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3, 7, 8, 12, 15, 17-24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,965,707 to *Butterfield* in view of U.S. Patent No. 6,053,165 to *Butler et al.* and "Glass" article from Microsoft® Encarta® Online Encyclopedia 2003.